

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

**Ciapessoni *et al.*, on behalf of themselves
and all others similarly situated,**

Plaintiffs,

v.

The United States Of America,

Defendant.

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Case No. 15-938C
Hon. Thomas C. Wheeler

**DECLARATION OF RICHARD STARK IN SUPPORT OF PLAINTIFFS'
MOTION TO CERTIFY CLASS ACTION**

I, Richard Stark, hereby declare and state:

1. I am the Grower Relations Manager at Sun-Maid Growers of California, which is an agricultural marketing cooperative and the largest single marketer of raisins in the world. Sun-Maid is owned by approximately 650 raisin farmers who are members, or equity owners, of the cooperative. I have worked for Sun-Maid since 1989.

2. In addition to my employment with Sun-Maid, I also serve as a member of the Raisin Administrative Committee, as an alternate member on the California Raisin Marketing Board, and as a Board Member of the Fresno County Farm Bureau and the National Grape and Wine Initiative.

3. On behalf of its approximately 650 growers, Sun-Maid presently processes and markets about 30% of the California raisin (and hence U.S.) crop; since California is responsible for 30-35% of world raisin production, Sun-Maid's share of the world crop is approximately 10-12%.

4. My job is to help growers understand the raisin business and industry, and assist them in their day-to-day operations. I therefore have extensive knowledge regarding issues affecting raisin growers and the raisin industry generally. To assist with my job and stay abreast

of industry developments, I also aggregate and retain statistical information regarding Sun-Maid's growers and raisin growers industry-wide.

5. One major issue affecting all raisin growers is the existence of the reserve-pool provisions in the California Raisin Marketing Order, 7 C.F.R. pt. 989 ("Marketing Order"). These provisions permit the United States Department of Agriculture ("USDA") to limit the supply of raisins that are freely sold in the commercial market. That is, the USDA can designate a certain percentage of the yearly raisin crop as "reserve-tonnage" raisins, which must be set aside and stored "for the account" of the Raisin Administrative Committee ("RAC"). When imposed, the reserve requirement affects all growers' raisins that are harvested for delivery or sale.

6. Growers are not paid for reserve-tonnage raisins at the time of delivery, and generally receive little to no compensation for these raisins once they are disposed of years later by the RAC.

7. At present, there are approximately 3000 California raisin growers, who produce 100% of the U.S. raisin crop. The number of growers in the industry over the past decade has decreased in part due to the adverse economic conditions caused by the reserve pool.

8. Additionally, there is a wide disparity among raisin growers in the size of their acreage and the tonnage of raisins they produce each crop year. While there are large commercial growers who produce thousands of tons of raisins each year, there are also many individuals who produce far less by farming small-acreage plots of land or by growing a larger percentage of other commodities.

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I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED: September 25, 2015


Richard Stark